

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EMILO DE LA GARZA-
MONTEMAYOR

Plaintiff,

vs.

BASEL HASSOUN, M.D., *et al.*,

Defendants.

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NO. CIV-18-1120-HE

ORDER

Plaintiff, a state prisoner appearing *pro se* filed this § 1983 action alleging deliberate indifference, medical malpractice, medical negligence, and excessive force. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Bernard M. Jones for initial proceedings. Judge Jones has issued a Report and Recommendation recommending the dismissal of plaintiff's federal medical claims and that the court decline supplemental jurisdiction over any related state-law medical claims. The Report also recommends that plaintiff's excessive force claim against the GEO Group be dismissed. Plaintiff has failed to object to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. # 10]. Plaintiff's medical claims and the excessive force claim against defendant GEO Group, Inc. are **DISMISSED** without prejudice. This matter remains referred to Judge Jones to address plaintiff's remaining excessive force claim against defendant Wayztak.

IT IS SO ORDERED.

Dated this 25th day of February, 2019.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE